

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN ELECTRIC COMPANY, INC.)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
MAUI ELECTRIC COMPANY, LIMITED)
For Approval of a Temporary)
Modification of General Order No. 6)
Requirements Relating to Clearances)
of Service Drops Above Metal Roofs.)

DOCKET NO. 05-0176

DECISION AND ORDER NO. 22373

Filed April 5, 2006
At 10 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

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DIV OF GENERAL INVESTIGATION
BUREAU OF CONSUMER PROTECTION

In the Matter of the Application of)
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HAWAII ELECTRIC LIGHT COMPANY, INC.)
MAUI ELECTRIC COMPANY, LIMITED)
For Approval of a Temporary)
Modification of General Order No. 6)
Requirements Relating to Clearances)
of Service Drops Above Metal Roofs.)

Decision and Order No. 22373

By this Decision and Order, the commission approves the request of HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), and MAUI ELECTRIC COMPANY, LIMITED ("MECO") (collectively, the "HECO Utilities"), for temporary modifications to Rule 54.8.B(4)(b), Table 10 ("Table 10"), of General Order No. 6, Rules for Overhead Electric Line Construction in the State of Hawaii ("G.O. No. 6"), as reflected in their Joint Letter filed with the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), on February 13, 2006.¹ The temporary modifications to Table 10 incorporate certain changes to the minimum clearance requirements for service drops, 0-300 volts, above buildings with metal roofs. The temporary modifications, applicable to HECO, HELCO, and MECO, shall remain

¹Joint Letter, filed on February 13, 2006, with Attachments 1 and 2 (collectively, "Joint Letter").

in effect until further order of the commission or when G.O. No. 6 is converted to the Hawaii Administrative Rules format.

I.

Background

HECO, HELCO, and MECO are the franchised providers of electric utility service on the islands of Oahu and Hawaii and the County of Maui, respectively.

The HECO Utilities request the commission's approval of temporary modifications to Table 10, to incorporate certain changes to the minimum clearance requirements for service drops, 0-300 volts, above buildings with metal roofs, by Joint Application filed on July 15, 2005.² The HECO Utilities seek the temporary modifications until G.O. No. 6 is revised and converted to the Hawaii Administrative Rules format. They make their request pursuant to Section I, Rules 15 and 16, of G.O. No. 6.

On November 4, 2005, the Consumer Advocate filed its Statement of Position.³ In its Statement of Position, the Consumer Advocate referenced: (1) additional modifications to

²Joint Application, Verification, Exhibits I - IV, and Certificate of Service, filed on July 15, 2005 (collectively, the "Joint Application"). The HECO Utilities served copies of their Joint Application upon the Consumer Advocate. The HECO Utilities and the Consumer Advocate are collectively referred to as the "Parties."

³Consumer Advocate's Statement of Position and Certificate of Service, filed on November 4, 2005 (collectively, "Statement of Position").

Table 10 proposed by the HECO Utilities in response to the Consumer Advocate's concerns; and (2) other modifications to Table 10 proposed by the Consumer Advocate.

The Parties then informally discussed various proposed modifications to Table 10, culminating in the Parties filing of a Joint Letter on February 13, 2006, in lieu of a reply statement from the HECO Utilities.⁴ The Joint Letter sets forth the Parties' agreed-upon temporary modifications to Table 10 (discussed in Section II(C), below), and effectively supersede the Consumer Advocate's recommendations initially set forth in its Statement of Position.⁵

II.

Discussion

A.

G.O. No. 6, Rules 15 and 16

G.O. No. 6, Rule 15, states:

If, in a particular case or a special type of construction, exemption from or modification of any of the requirements herein is desired, the Commission will consider an application for such exemption or modification when accompanied by a full statement of conditions existing and the

⁴With respect to the Joint Letter, the Parties explain:

The agreements in this letter are for the purpose of simplifying and expediting this proceeding, and represent a negotiated compromise of the matters agreed upon, and the consequences of such agreements shall be limited to the matters agreed to herein. The Parties expressly reserve their right to take different positions regarding the matters agreed to herein in other proceedings. . . .

Parties' Joint Letter, at 5.

⁵See Parties' Joint Letter, at 4 n.5, and 5.

reasons why such exemption or modification is asked and is believed to be justifiable. It is to be understood that, unless otherwise ordered, any exemption or modification so granted shall be limited to the particular case or the special type of construction covered by the application.

G.O. No. 6, Rule 16, provides in respective part:

The Commission reserves the right to change any of the provisions of these rules in specific cases when, in the Commission's opinion, public interest would be served by so doing.

"Accordingly, the commission may grant an application requesting exemption from the application of G.O. 6 or modification of G.O. 6 if it is in the public interest."⁶

B.

G.O. No. 6, Table 10

Table 10 presently reads, in pertinent part:

TABLE 10

Minimum Allowable Clearance of Service Drops
of 0-300 Volts Above Buildings

<u>Type of Roof</u>	<u>Building Served</u>
Metal roof, 3/8 pitch or less (a)	8 ft.
Metal roof, more than 3/8 pitch	2 ft.
Nonmetallic roof, 3/8 pitch or less	(b)
Nonmetallic roof, more than 3/8 pitch	(b)

(a) 3/8 pitch is approximately 37 degrees from the horizontal.

⁶In re Hawaiian Elec. Co., Inc., Hawaii Elec. Light Co., Inc., and Maui Elec. Co., Ltd., Docket No. 01-0033, Decision and Order No. 19188, filed on February 6, 2002, at 7.

- (b) No limit specified but the greatest practicable clearance should be obtained.

C.

Parties' Stipulated Modifications

The Parties, by their Joint Letter, agree to the following modifications to Table 10:⁷

TABLE 10

Minimum Allowable Clearance of Service Drops
of 0-300 Volts Above Buildings

<u>Type of Roof</u>	<u>Building Served</u>
Metal roof, 3/8 pitch or less (a)	[8 ft.] (b) (c)
Metal roof, more than 3/8 pitch	[2 ft.] (b) (c)
Nonmetallic roof, 3/8 pitch or less	(b)
Nonmetallic roof, more than 3/8 pitch	(b)

(a) 3/8 pitch is approximately 37 degrees from the horizontal.

(b) No limit specified but the greatest practicable clearance should be obtained. Clearance shall also conform with the National Electrical Safety Code (2002 edition) with the exception noted in (c).

(c) Clearances for weather-resistant covered conductors shall be 8 feet over metal roofs with a 3/8 pitch or less, or 2 feet over metal roofs with more than 3/8 pitch.

Parties' Joint Letter, at 3.

⁷Proposed deletions are bracketed, proposed additions are underscored.

D.

Temporary Modifications

The HECO Utilities seek to replace the current clearances between service drops, 0-300 volts, and the metal roof of the building being served, with notes (b) and (c), above. Their proposed modifications will:

1. Make the minimum clearances for buildings with metal roofs identical to the minimum clearances for buildings with non-metallic roofs, and incorporate for both metal and non-metallic roofs the applicable requirements of the National Electrical Safety Code (2002 edition) ("NESC"), regarding clearances of wires, conductors, and cables over roofs. See proposed note (b), above.

2. Provide that for metal roofs with weather-resistant conductors, "[c]learances . . . shall be 8 feet over metal roofs with a 3/8 pitch or less, or 2 feet over metal roofs with more than 3/8 pitch."⁸ See proposed note (c), above.

The HECO Utilities represent:

1. The proposed modifications are consistent with the purpose of G.O. No. 6, i.e., "to formulate . . . uniform requirements for overhead electrical line construction, the application of which will insure adequate service and secure safety to persons engaged in the construction, maintenance, operation or use of overhead electrical lines and to the public in general." G.O. No. 6, Section I, Rule 11.

⁸In other words, the existing clearances presently set forth in Table 10 (eight (8) feet and two (2) feet, respectively) will be retained for weather-resistant covered conductors.

2. In addition, the NESC: (A) does not distinguish between metal roofs and any other type of roof; and (B) primarily states that if a roof is "readily accessible" to a pedestrian, then an eleven (11)-foot mast is required, and if not "readily accessible," a 3.5-foot mast is required.⁹

3. The proposed modifications are also consistent with the current edition of the California Public Utilities Commission, General Order No. 95, relating to overhead electrical line construction ("G.O. No. 95"), to the extent that it does not distinguish between metallic and non-metallic roofs.¹⁰

4. The proposed modifications will benefit the HECO Utilities and homeowners. The current requirement for an eight (8)-foot mast above a metal roof presently creates an operational hardship for the HECO Utilities.¹¹ "In addition, it is [the HECO Utilities'] understanding that there may be some difficulty by the homeowner's electrician in installing an 8-foot mast."¹²

5. "The safety of persons engaged in the construction, maintenance and use of masts on metal roofs, as

⁹See Joint Application, Exhibit III, excerpts from the NESC.

¹⁰See Joint Application, Exhibit IV, excerpt of G.O. No. 95, Rule 54.8(B)(4), Table 10.

¹¹See Joint Application, at 6 - 7 (HECO Utilities' discussion).

¹²Joint Application, at 7. "Installation of the mast and the service conductors from the mast to the meter socket are the responsibility of the customer." Id. at 7 n.3.

well as the public in general, [will] not be compromised by the proposed temporary modification."¹³

6. The commission has approved temporary modifications to G.O. No. 6 in four (4) other cases.¹⁴

E.

Public Interest

The proposed temporary modifications to Table 10 appear consistent with the NESC,¹⁵ and should facilitate the operations, maintenance, and safety of both utility employees and the independent contractors and electricians that work on rooftops. The commission finds that: (1) the HECO Utilities have sufficiently justified the temporary modifications to Table 10,

¹³Joint Application, at 6.

¹⁴The HECO Utilities cite to In re Hawaiian Elec. Co., Inc., Hawaii Elec. Light Co., Inc., and Maui Elec. Co., Ltd., Docket No. 01-0033, Decision and Order No. 19188, filed on February 6, 2002 (installation of antennas and related equipment on poles and other structures); In re Hawaiian Elec. Co., Inc., Hawaii Elec. Light Co., Inc., and Maui Elec. Co., Ltd., Docket No. 97-0228, Decision and Order No. 16039, filed on October 24, 1997 (installation of optical ground wire and electrically nonconductive fiber optic cables); In re Hawaiian Elec. Co., Inc., Hawaii Elec. Light Co., Inc., and Maui Elec. Co., Ltd., Docket No. 96-0417, Decision and Order No. 15401, filed on February 28, 1997 (installation of electrically nonconductive fiber optic communication lines); and In re Hawaiian Elec. Co., Inc., Docket No. 94-0074, Decision and Order No. 13392, filed on July 20, 1994 (construction of a 25 kilovolt overhead distribution system).

¹⁵The commission notes that the inclusion of the NESC requirements in note (b) will in some cases reduce the required clearance, while in other cases increase the required clearance over roofs, when compared to the clearance requirements presently set forth in Table 10. In addition, while no limit is specified in note (b) of proposed Table 10, the clearances as a minimum must meet those specified in the NESC for both metal and nonmetallic roofs.

as proposed by the Parties in their Joint Letter; and (2) the temporary modifications appear consistent with the public interest.¹⁶ Unless ordered otherwise, the temporary modifications to Table 10 shall apply to HECO, HELCO, and MECO.¹⁷

VI.

Orders

THE COMMISSION ORDERS:

1. The HECO Utilities' temporary modifications to G.O. No. 6, Table 10, as reflected in the Joint Letter filed on February 13, 2006, are approved. The temporary modifications shall remain in effect until further order of the commission or when G.O. No. 6 is converted to the Hawaii Administrative Rules

¹⁶The Parties' proposed modifications to Table 10 include an inadvertent typographical error that changes the clearance for metal roofs of more than 3/8 pitch for buildings on other premises, from eight (8) to two (2) feet. See Parties' Joint Letter, at 3. The temporary modifications approved by the commission in this Decision and Order do not include this inadvertent change.


¹⁷In response to the Consumer Advocate's and commission's inquiry, the HECO Utilities note that the Kauai Island Utility Cooperative ("KIUC") does not object to the Parties' agreed-upon temporary modifications to Table 10. See Parties' Joint Letter, at 5, and Attachment 2. Nonetheless, in this instance, the scope of Docket No. 05-0176 is limited to the HECO Utilities' request to temporarily modify Table 10, and KIUC is not a party to Docket No. 05-0176. See, e.g., In re Hawaiian Elec. Co., Inc., Hawaii Elec. Light Co., Inc., and Maui Elec. Co., Ltd., Docket No. 03-0257, Decision and Order No. 21002, filed on May 27, 2004 (adjudicating the HECO Utilities' request to modify General Order No. 7, Paragraph 2.3(g)(2), to increase the monetary threshold governing the filing of capital expenditure applications); and In re Kauai Island Util. Coop., Docket No. 03-0256, Decision and Order No. 21001, filed on May 27, 2004 (adjudicating KIUC's request to modify General Order No. 7, Paragraph 2.3(g)(2), to increase the monetary threshold governing the filing of capital expenditure applications).

format. Unless ordered otherwise, the temporary modifications to Table 10 shall apply to HECO, HELCO, and MECO.

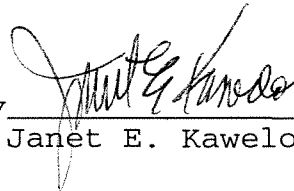
2. This docket is closed, unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii APR - 5 2006.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

05-0176.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22373 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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For HECO, HELCO, and MECO



Karen Higashi

DATED: APR - 5 2006